

Election Procedures Review  
Of  
**Skagit County**  
State of Washington  
2005 General Election



Conducted by the  
Office of the Secretary of State  
Election Certification and Training Program



# Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code. Reviews are conducted at regular intervals in conjunction with a county primary, special or general election, at the direction of the Secretary of State.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Skagit County during the 2005 General Election cycle. Tracy Buckles, Program Coordinator, represented the Election Certification and Training Program during the review. Norma Brummett, County Auditor, Cheryl Lanier, and other members of the staff participated on behalf of the Skagit County Auditor's Office.

Skagit County allowed the reviewer to thoroughly review and examine all aspects of the election processes. The county provided documentation and materials during the review which greatly contributed to a successful examination process.

Both the reviewer and the Skagit County Auditor's Office approached the review in a spirit of cooperation. The State commends the Skagit County Auditor's Office for its organization and preparation in making the review process a positive and useful experience.

Contents of this report are based on observations of election practices and procedures and on interviews with county election personnel. The reviewer obtained information based on the actual observation of a particular procedure, based on verbal explanation or written procedures. In all cases, the predominant concern is whether or not the county's actions constitute compliance with the intent of statutes and rules.

The purpose of this review report is to provide Skagit County Auditor's Office with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist Skagit County in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting, in any way, the validity of the outcome of any election or of any canvass of election returns.

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# Section 1

## Overview and Recommendations

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing, and certification of the election. The County Auditor or election staff verbally explained some tasks the reviewer was unable to observe.

The Skagit County Commissioners agreed with the Auditor to conduct all elections in Skagit County entirely by mail. This was the first county-wide election conducted in Skagit County under the recent resolution. Also, this was the first large election using a new vote tabulation system.

Considering that the elections supervisor is relatively new to her position and all of the changes made to election laws in 2005, Skagit County's election procedures were good. The elections staff is dedicated and conscientious.

Besides changing some procedures as recommended in this report, the election staff should concentrate on updating the written procedures and organizing the Elections Department. Administering elections is very complicated and requires great attention to detail. Updating the written procedures is essential for consistency and documenting compliance with election laws. Organizing files and records will assist the staff, and help prevent errors or omissions.

The following recommendations and suggestions should help improve and enhance Skagit County's election policies and procedures.

## Review Recommendations

### 1. Processing new voter registrations

If the Skagit County Auditor's Office receives a voter registration application without a driver's license number, the office sends the applicant a letter. The letter informs the voter that the office must receive a driver's license number before it can process the application and send a voter registration identification card.

RCW 29A.08.110 specifies what information is required for registering to vote. The RCW states, in part, "An application that contains the applicant's name, complete valid residence address, date of birth, and signature attesting to the truth of the information provided on the application is complete."

**Recommendation:** The Skagit County Auditor's Office should change the procedures and register an applicant to vote if the four pieces of information listed above are included. The Help America Vote Act requires a person registering to vote through the mail to either provide a driver's license at the time of registering, or consequently provide identification at the poll site at the time of voting. If the Auditor's Office wishes to follow up on applications missing a driver's license number, the office may send the voter a letter requesting that information, but should do so after registering the applicant.

### 2. Questionnaires to cities, towns, and districts

Skagit County correctly sends a questionnaire to all of the cities, towns and districts in the county to obtain information necessary for candidate filing. The questionnaire lists the current information regarding incumbents, positions, and filing fees, and asks the district to either confirm that the information is correct or provide the correct information.

WAC 434-215-005 requires, in part, "The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, the annual salary for the position at the time of the filing period, and the statutory reference for candidate eligibility."

**Recommendation:** Skagit County's questionnaire generally meets the intent of the law. However, the questionnaire should ask the district to verify the annual salary at the time of the filing period, rather than ask the district to confirm the filing fee.

### 3. Procedures for candidate filing

Skagit County Auditor's Office had a position for a utility district commissioner up for election. No candidates filed during the regular filing period and no one filed in the special three-day filing period. After the Primary Election was certified the Auditor's Office accepted a write-in declaration of candidacy for that position and placed the office on the General Election ballot with a blank for a voter to write-in a candidate.

RCW 29A.24.200 indicates, in part, “If after both the normal filing period and special three day filing period as provided by RCW 29A.24.170 and 29A.24.180 have passed, no candidate has filed for any single city, town or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted.”

**Recommendation:** The Skagit County Auditor’s Office should not have accepted the write-in declaration of candidacy and should not have put the write-in on the ballot. The error was discovered early enough in the process to reprint the affected ballots and therefore, the voters in that district were issued correct ballots. The Auditor’s Office should develop a procedure that will prevent situations similar to this from occurring in the future. The reviewer verbally suggested that the County create a master list of all offices that will appear on the Primary Election ballot, all offices that will go straight to the General Election ballot, and offices where the election lapsed.

4. Ballot Security

The County Auditor’s Office provided a ballot deposit box in the Elections Department. The ballot box was secured with a padlock. Personnel also utilized a cage in the vault for storing ballots. They sealed the cage at the end of every day, recorded the seal number on a certificate, and threw the certificate away when they broke the seal the next morning.

WAC 434-250-130(6) indicates that an audit trail must be maintained which includes, “A documentation of the security procedures undertaken to protect the integrity of all ballots after receipt, including seal numbers used to secure the ballots during all facets of the absentee process...”

The Office of the Secretary of State considers secure storage as a system that is only accessible by the County Auditor or his or her designees, and employs the use of numbered seals and seal logs to document access to ballots.

**Recommendation:** The Skagit County Auditor’s Office should secure all ballots utilizing secure storage whenever the ballots are not being processed. It is important to document who had access to the ballots at any given time. The Auditor’s Office implemented this recommendation prior to Election Day.

5. County Auditor’s Office as a polling place

The Skagit County Auditor’s Office set up a convenient table with secrecy booths for people to vote in the Office. The Auditor’s Office had voters’ pamphlets and sample ballots available at the table. There was a United States flag in the Elections Department, and two disability access units available.

WAC 434-250-330 indicates that for elections held entirely by mail, services that would have been provided at the polling place must, at a minimum, be provided at the county auditor’s office.....”

WAC 434-253-025 requires, in part, “The following items must be posted or displayed at the polling place while it is open: (2) HAVA voter information poster; (3) Voting instructions printed in at least 16 point bold type.....”

**Recommendation:** The reviewer recommends that Skagit County post the information listed above in the Auditor’s Office during the hours the polling place is open.

6. Canvassing Board authorization for processing ballots

The Skagit County Auditor’s Office did not have a written authorization on file for staff and other temporary employees to process ballots for the Canvassing Board.

WAC 434-262-015 requires in part, “These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the county auditor prior to any person undertaking any action on behalf of the board.”

**Recommendation:** The Skagit County Canvassing Board should, as a whole, delegate these duties in writing to the Auditor’s staff and other temporary employees. If it is for a specific election, this delegation should be on file in the Auditor’s Office as soon as mail ballots are issued.

7. Rejection of ballots

The Skagit County Auditor’s Office received a typical number of mail ballots that were missing signatures, postmarked after the election, or otherwise not acceptable. The Elections Department did not open and process these ballots, nor did they refer them to the Canvassing Board.

RCW 29A.60.050 indicates, in part, “A ballot is not considered rejected until the canvassing board has rejected the ballot individually, or the ballot was included in a batch or on a report of ballots that was rejected in its entirety by the canvassing board.”

**Recommendation:** The Skagit County Auditor’s Office must refer any ballots that appear to be invalid to the Canvassing Board. The Auditor’s Office may refer these ballots to the Board individually, in a batch, or as part of a report.

8. Processing write-in votes

Skagit County had one candidate file a Write-In Declaration of Candidacy. The Auditor’s Office tallied the votes for the write-in candidate for that race, but did not verify whether write-in votes in other races required tabulation. This was brought to the Auditor’s attention after the Canvassing Board certified the election. They then went back through and tallied all the write-in votes for all offices on the ballot.

RCW 29A.60.021 indicates, in part, “(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be tallied unless the total number of write-in votes and undervotes recorded by the vote tabulation system for the office is greater than the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected.”

WAC 434-262-010 indicates, in part, “(3) Auditor’s abstract of votes is that report prepared by the county auditor which lists the number of registered voters, votes cast, all of the vote totals by precinct, or by combination of precincts, if applicable, absentee ballot totals, legislative district subtotals, if any, and county-wide totals.”

**Recommendation:** The Skagit County Auditor’s Office must, as soon as practical after the election, examine the write-in votes for each office and determine which races, if any, meet the requirement to be tallied. If the write-in votes must be tallied, they must be included in the Auditor’s Abstract of Votes and presented to the Canvassing Board for certification.

9. Transmittal of election results to Office of the Secretary of State

The Auditor’s Office correctly faxed election results to the Office of the Secretary of State after the election was certified. However, because there was an error in the reconciliation report, the results had to be resent electronically. This also delayed the hard copy of the certification.

RCW 29A.60.230 requires, in part, “Immediately after the official results of a state primary or general election in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all of the votes cast in the county at such state primary or general election for and against state measures and for each candidate for federal, state, legislative office or for any other office which the secretary of state is required by law to canvass. The cumulative report of the election and a copy of the certificate of the election must be transmitted to the secretary of state immediately, through electronic means and mailed with the abstract of votes no later than the next business day following the certification by the county canvassing board.”

**Recommendation:** While the reviewer recognizes the attempt to file the necessary reports in a timely manner, it is imperative that the necessary steps are taken to make sure that the information is correct and timely. Any delays in the requirements of this RCW could delay the Office of the Secretary of State from certifying the results of the election.



## Section 2

### Suggestions

The following are suggestions for increasing efficiency and improving operations with the county auditor's office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks discussed in the section as areas of election administration in which the county auditor might improve the efficiency and operation of the office.

## Suggestions

1. Ballot resolution

The Skagit County Auditor's Office utilizes the Hart Intercivic system for tabulating ballots. This is a system that digitally takes an image of every ballot before tabulation. Any ballots with a questionable mark, for instance an overvote, undervote, or write-in, is flagged for the staff to resolve. Usually, there were two election staff involved in the process. However, due to staff shortages, one of the two was regularly called away to conduct other business.

This system is relatively new to Washington State and while there are not yet rules to govern this process, the Office of the Secretary of State believes this process should be strictly observed by two people; one person to resolve the ballot and one person to insure that the ballot is resolved as the voter intended.

2. Written procedures

The Auditor's Office has a full set of written procedures. While the procedures are very complete and well written, they are very out of date. There have been many changes to election laws and the county has also changed voting systems.

It is critical that the Auditor's Office concentrate on updating its procedures, especially because the Election Supervisor is new to elections. Updated written procedures will be a valuable asset to the new supervisor and other new employees. Accurate written procedures also document the County's compliance with election laws and provide consistency from one election to the next.

## **Section 4**

### **County's Response to Draft Review Report**

The Election Certification and Training Program issued a draft review report to the Skagit County Canvassing Board in January 2006. In accordance with WAC 434-260-145, we provided Skagit County with a 10-day timeframe in which to respond, in writing, to recommendations listed in the draft report.

The Skagit County Canvassing Board provided the following response to the draft review report. The signed original of their response is on file in the Office of the Secretary of State.

**Norma Brummett**

Auditor

**David Cunningham**

Chief Deputy



## SKAGIT COUNTY AUDITOR

March 7, 2006

Tracy Buckles  
Elections Program Coordinator  
PO Box 40237  
Olympia, WA 98504

Tracy,

In accordance with WAC 434-260-145, the following represents the Skagit County Canvassing Board's response to the Election Review conducted by your office.

### ***Section 1.***

#### **Recommendation 1: Processing new voter registrations**

The Skagit County Auditor's Office was mistakenly requiring the driver's license, state identification card number, or Social Security number **prior** to the effective date of January 1, 2006. Per conversation with reviewer from the Secretary of State, the Auditor's Office is now in compliance. If the minimum required information as of Jan. 1, 2006, is not included, the office will send a verification notice to the voter requesting the information in order to be entered in the county voter registration records.

#### **Recommendation 2: Questionnaires to cities, towns, and districts**

The language on the questionnaire will be changed to ask the district to verify the annual salary at the time of the filing period.

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Fax (360) 336-9429 • E-Mail: Auditor@co.skagit.wa.us**

Recommendation 3: **Procedures for candidate filing**

The Auditor's Office has used a master list similar to the reviewer's recommendations in the past and will implement this again. Additionally, a procedure will be developed for using this master list to prevent incorrect candidate filing.

Recommendation 4: **Ballot Security**

The Auditor's Office has implemented a procedure to secure ballots at all times during the election process. Numbered seals and continuous seal logs are maintained to record all access to ballots. This documentation is retained with election records as an audit trail to ballot security. This procedure will be in place for all future elections.

Recommendation 5: **County Auditor's Office as a polling place**

The Auditor's Office will provide all services that would be in place at the polling place. This will include the recommendation noted by the reviewer stating that in accordance with WAC 434-253-025 "the following items must be posted or displayed at the polling place while it is open: (2) HAVA voter information poster; (3) Voting instructions printed in at least 16 point bold type..."

Additionally, the Auditor's Office will create a check-list procedure for setting up the Auditor's Office as a polling place.

Recommendation 6: **Canvassing Board authorization for processing ballots**

The Auditor's Office has prepared a yearly "Delegation of Canvassing Board Authority" in the past and will do so again. This delegation will be in effect from January 1<sup>st</sup> until December 31<sup>st</sup> of the given year and will be prepared prior to January 1<sup>st</sup> of each new year. The delegation for the remainder of 2006 will be prepared prior to the next scheduled election.

Recommendation 7: **Rejection of ballots**

All ballots that appear to be invalid will be referred to the Canvassing Board. These ballots will be included on the official report of ballots presented to the Canvassing Board and will require Canvassing Board signatures accepting or rejecting these ballots.

Recommendation 8: **Processing write-in votes**

Following the election but prior to certification, the Auditor's Office will review the write-in votes cast for each office to determine which races must be tallied per RCW 29A.62.010. Results of tallied write-in votes will be included in the election results and will be presented to the Canvassing Board for certification. The procedure for processing write-in votes will be updated to include this requirement.

Recommendation 9: **Transmittal of election results to Office of the Secretary of State**

The reconciliation report will be prepared and verified **prior** to certification. Immediately after certification, the cumulative election report and certification document will be faxed to the Office of the Secretary of State. The written certification procedure will be updated to reflect this.

***Section 2***

**Ballot resolution**

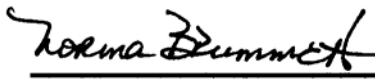
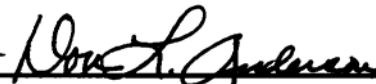
The Auditor's Office will be implementing the recommendation of the reviewer. Two people from the election staff will be involved in the ballot resolution process at all times to maintain the integrity of the system. One staff person will resolve the ballot and the other will verify that the ballot is resolved as intended.

**Written procedures**

The Auditor's Office will be updating all written procedures and developing additional procedures to comply with the current voting system utilized in Skagit County as well as changes to election laws. The newly updated procedures will be used as a training tool for elections staff to ensure compliance and consistency.

We would like to thank you again for all of your efforts in conducting this review.

Sincerely,

		(Absent)
Norma Brummett	Don Anderson	Ken Dahlstedt
Skagit County Auditor	Skagit County	Chairman, Board of
	Deputy Prosecuting Attorney	Skagit County
		Commissioners

**Certification of Canvassing Board Skagit County, Washington  
Election Procedure Review  
March 07, 2006**

**STATE OF WASHINGTON)**

**SS.**

**COUNTY OF SKAGIT**

**)**

We, the undersigned, being the members of the Canvassing Board as outlined in RCW 29A.60.140, have completed our response, pursuant to WAC 434-260-145, of the Election Procedure Review conducted by the Secretary of State's Office, for the Skagit County Auditor, Election Department.

We, the undersigned members of the canvassing board agree with the recommended corrective actions, attached and made part of this certification, prepared by the Skagit County Auditor.

The Canvassing Board meeting having been completed this 07<sup>th</sup> day of March, 2006 at 10:00 a.m.

**SKAGIT COUNTY CANVASSING BOARD**



*Noema Brummett*

Skagit County Auditor

*Don L. Anderson*

Skagit County Deputy Prosecuting  
Attorney

(Absent)

Chairman, Board of Skagit County  
Commissioners

## Section 4

### Conclusion

Overall, Skagit County's election procedures were very good. Besides changing vote tabulation equipment and changing to voting all by mail, there were many changes to election laws in 2005. Under these difficult circumstances, the Auditor's Office did an admirable job of administering the General Election.

The election staff needs to ensure that all ballots are secure in all locations by utilizing numbered seals and seal logs. It is very important to have documentation of who had access to ballots at any given time.

The County Canvassing Board plays a critical role in the election process and the Skagit County Auditor's Office should make sure that the Canvassing Board is presented with any ballots that are questionable or require rejection. Only the Board has the authority to reject ballots.

It is important that the Skagit County Auditor's Office process all write-in votes according to statute prior to certification of the election.

Updating the written procedures and developing some additional procedures will go a long way toward preventing discrepancies in the future.

The election staff works well together as a team and has the dedication and skills to continue to improve their processes.

The reviewer has made a series of recommendations and suggestions for consideration by the Skagit County Auditor and the Canvassing Board. These are meant to enhance and improve the county's procedures. The Office of the Secretary of State Election Certification and Training Program is available for any additional assistance the Auditor may request.

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Review Report Prepared by:

Tracy Buckles  
Election Program Specialist  
Office of the Secretary of State

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Date

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Signature